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2005 AUG 12 P 3:54

AZ CORP COMMISSION  
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8 IN THE MATTER OF LEVEL 3  
9 COMMUNICATIONS, LLC'S PETITION FOR  
10 ARBITRATION PURSUANT TO SECTION  
11 252(b) OF THE COMMUNICATIONS ACT OF  
12 1934, AS AMENDED BY THE  
13 TELECOMMUNICATIONS ACT OF 1996,  
AND THE APPLICABLE STATE LAWS,  
RATES, TERMS AND CONDITIONS OF  
INTERCONNECTION WITH QWEST  
CORPORATION.

DOCKET NOS. T-01051B-05-0350  
T-03654A-05-0350

QWEST CORPORATION'S  
RESPONSE TO LEVEL 3'S MOTION  
TO COMPEL

14 Qwest Corporation ("Qwest"), by and through its attorneys, hereby responds to  
15 the Motion to Compel ("Level 3 Motion") filed by Level 3 Communications, LLC ("Level 3")  
16 on August 8, 2005. For the reasons that follow, Level 3's motion should be denied.

17 **BACKGROUND**

18 On June 16, 2005, Level 3 served Qwest with 108 discovery requests (not counting  
19 subparts) in this proceeding. The Arizona discovery requests were merely one part of a larger  
20 deluge of discovery from Level 3. On June 14, Level 3 had served more than one hundred  
21 requests in the Oregon arbitration. On June 15, Level 3 served more than one hundred requests  
22 in the Colorado and Iowa arbitrations. And on June 17, 2005, Level 3 served more than one  
23 hundred requests in the Arizona arbitration. Altogether, Level 3 served more than 420 requests  
24 in a three day time frame in Arizona, Colorado, Iowa and Oregon. Nearly contemporaneously,  
25 Level 3 also served Qwest with 170 requests in Idaho and Wyoming, bringing the total number  
26 of requests in the first round to nearly six hundred, not counting subparts.

1 In mid-July, Level 3 served a second round of discovery in the states of Colorado  
2 (7/15/05), Arizona (7/20/05), Idaho (7/20/05), Oregon (7/25/05) and Iowa (7/25/05). Including  
3 these requests, Level 3 has now served Qwest with more than 800 discovery requests in the six  
4 states in which arbitrations are pending between the parties.

5 Qwest has objected to much of Level 3's discovery for various reasons. First and  
6 foremost, Qwest has objected because Level 3's requests are grossly overbroad and unduly  
7 burdensome discovery requests. Level 3 has not tailored its requests to obtain information that is  
8 calculated to produce evidence that would be admissible at hearing. Rather, it has engaged in a  
9 gigantic fishing expedition with the hope that just one of the six public utility commissions  
10 hearing these arbitrations will require answers to its requests. In order to minimize the number  
11 of disputes, Qwest has attempted in good faith to respond to as much of the discovery served by  
12 Level 3 as possible. However, there are simply too many requests that are unreasonable. It is  
13 against this backdrop that Level 3's motion to compel should be evaluated.

#### 14 ARGUMENT

15 In its motion to compel, Level 3 requests that the Arizona Corporation Commission (the  
16 "Commission") require Qwest to answer interrogatories that are extremely burdensome to  
17 answer. Many of them seek information about the operations of Qwest and its affiliates  
18 throughout the United States. Most of the interrogatories seek information with little or no  
19 relevance to the matters at issue in this proceeding. Level 3 also requests an order compelling  
20 responses to several requests for admissions. Qwest has either admitted or denied many of these  
21 requests for admission. The remaining requests for admission are either vague or call for legal  
22 conclusions and are therefore inappropriate requests. For the reasons that follow and for the  
23 reasons articulated by Qwest counsel in the conference held in Tucson on August 3, 2005, the  
24 Commission should deny Level 3's motion to compel.

#### 25 **A. Interrogatory No. 4 – Qwest Internet Access Service**

26 In Interrogatory No. 4, Level 3 seeks highly proprietary information related to the

1 operations of Qwest's affiliates who offer Internet access. Interrogatory No. 4 does not seek any  
2 information relevant or even potentially relevant to this proceeding. Level 3 claims, without any  
3 analysis, that Interrogatory No. 4 relates to "whether the jurisdiction of calls to an ISP should be  
4 determined by the NPA-NXX" assigned to the ISP. (Level 3 Motion at 7). In making this claim,  
5 Level 3 misstates Qwest's position, and even then, draws no connection between the information  
6 it seeks and the issue to which it claims this information relates.

7 Qwest's position in this proceeding is that under the North American Numbering Plan  
8 and under Arizona and federal law, NPA-NXXs should be assigned to customers that are  
9 physically located in the same rate center to which the NPA-NXXs have been assigned. Thus, as  
10 a result of this numbering assignment rule, calls are rated as local or toll based on the rate centers  
11 in which the calling and called parties are located. In contrast, Level 3 argues that it is free to  
12 disregard the numbering rule and to assign numbers to end users (ISPs in particular) that are  
13 located in rate centers other than the rate center to which the NPA-NXXs have been assigned.  
14 This is the essence of Issue No. 3 related to VNXX.

15 Interrogatory No. 4 does not seek information in any way relating to the numbering  
16 assignment rule or the assignment of NPA-NXXs. The number of Internet access customers that  
17 a Qwest affiliate may have bears in no way on the VNXX issue. Nor does the location of end  
18 offices in which Qwest has collocated equipment or the local calling areas ("LCAs") in which  
19 Qwest maintains a physical presence bear on this issue. Level 3 is on a fishing expedition and  
20 may be seeking this information for purposes unrelated to this arbitration. The burden on Qwest  
21 to answer this interrogatory would be enormous, given its extreme breadth (nationwide by  
22 individual LCA). Thus, Level 3's motion to compel should be denied.

23 **B. Interrogatory No. 5 – PRI or DID/DOD Service**

24 In Interrogatory No. 5, Level 3 asks first whether Qwest offers PRI or DID/DOD services  
25 to ISPs within the state of Arizona. At Qwest's request, Level 3 just recently clarified  
26 ambiguities that existed in this request as to the location of the calling and called parties. Qwest

1 has now prepared and served an answer to this interrogatory.

2 **C. Interrogatory Nos. 7(b), 7(c), and 7(e) – QCC’s VoIP Service**

3 In Interrogatory Nos. 7(b) and 7(e), Level 3 once again seeks highly confidential  
4 information that is not reasonably calculated to lead to the discovery of admissible evidence. In  
5 Interrogatory No. 7(b), Level 3 requests the number of retail and wholesale VoIP customers that  
6 Qwest (meaning Qwest’s affiliate) has in Arizona. Level 3’s sole basis for requesting this  
7 information is the nonsensical statement that “[t]he information requested in Request No. 7(b) is  
8 necessary to demonstrate the impact that Qwest’s VoIP proposal will have on Level 3.” (Level 3  
9 Motion at 9). This statement is nonsensical for at least three reasons. First, Qwest Corporation  
10 is the party with whom Level 3 is seeking interconnection and Qwest Corporation does not offer  
11 VoIP, so the number of VoIP customers Qwest’s affiliate has cannot be relevant. Second, it is  
12 the number of Level 3 VoIP customers that will determine the “impact” to Level 3 of Qwest’s  
13 VoIP proposal. Level 3 obviously knows how many customers it has. Third, the issue here is  
14 the proper application of intercarrier compensation rules, not the impact of those rules on one  
15 competitor. If access charges are applied to certain VoIP calls by Level 3 or to a VoIP provider  
16 that is a customer of Level 3, the quantification of that impact is not relevant, although Qwest  
17 would certainly agree that if access charges apply in situation in which Level 3 does not believe  
18 they should apply, the cost to Level 3 or its VoIP provider customer will be higher than under  
19 Level 3’s proposal. The quantification of that difference is not an issue in this docket, nor should  
20 it be. In any event, Level 3 has not demonstrated how the number of VoIP retail and wholesale  
21 customers served by Qwest’s affiliate (“QCC”) would lead to admissible evidence. With regard  
22 to Interrogatory 7(c), Qwest is in the process of preparing a response.

23 Interrogatory No. 7(e) is even less relevant than Interrogatory No. 7(b). Interrogatory  
24 No. 7(e) asks for information concerning QCC’s wholesale providers and the services it  
25 purchases from them not just in Arizona but anywhere in the United States. To justify this  
26 request, Level 3 asserts that this request is relevant to whether Qwest is providing

1 interconnection on a nondiscriminatory basis. (Level 3 Motion at 10). In this docket, the only  
2 Qwest party is Qwest Corporation and the only state at issue is Arizona. Thus, the only  
3 discrimination issue that could possibly be relevant is whether Qwest Corporation (which does  
4 not provide VoIP) is discriminating against Level 3 in favor of QCC in Arizona. Thus, this  
5 request seeks information far beyond the issues in this case that would be extremely burdensome  
6 and time-consuming for Qwest to provide.

7 **D. Interrogatory No. 8.**

8 Level 3 did not seek a motion to compel on the identical interrogatory in its motions to  
9 compel in Iowa and Colorado, so it is unclear precisely why it makes such a claim in Arizona.

10 Interrogatory No. 8 seeks information for “any traffic exchange arrangements of any  
11 description” for enhanced or IP enabled services in Arizona with ILECs, CLECs, or any other  
12 parties. Level 3’s justification for its motion on this issue is also discrimination, claiming that  
13 arrangements that Qwest or a Qwest surrogate “has with other LECs is directly relevant to the  
14 issue of whether Qwest, either directly or indirectly through a surrogate, is acting in a  
15 discriminatory manner vis-à-vis Level 3.” (Level 3 Motion at 11). Despite Level 3’s unjustified  
16 contention that Qwest’s interconnection agreements are not on file with the Commission  
17 (apparently referring to the so-called “unfiled agreements” matter),<sup>1</sup> interconnection agreements  
18 between the ILEC (“QC”) are on file with the Commission, as are any interconnection  
19 agreements between QC and QCC. Likewise, interconnection agreements between QC and other  
20 CLECs are likewise on file. The implicit suggestion of some sort of under-the-table deal with a  
21 “Qwest surrogate” requires more than an unsupported allegation before Qwest should be  
22 required to do work that Level 3 can do for itself. Given the breadth and ambiguity of the  
23 inquiry (“any traffic exchange arrangement of any description whatsoever”), Level 3 is as  
24 capable of reviewing filed interconnection agreements in Arizona as easily as Qwest can do so.

25 \_\_\_\_\_  
26 <sup>1</sup> Given actions by the Commission, the FCC, and other state commissions on this issue, Qwest has taken special  
precautions and developed special internal procedures to assure that all required interconnection agreements are on  
public file with the Commission.

1 Level 3's motion on this issue should be denied.

2 **E. Interrogatory Nos. 14, 15, 17(a), 19, 20-21, and 44 –Efficient Use of Trunk**  
3 **Groups**

4 Level 3 has inappropriately lumped Interrogatory Nos. 14, 15, 17(a), 19, 20-21 and 44  
5 together and treated them in broad-brush fashion. Undoubtedly, Level 3 has done this to conceal  
6 the fact that each of these requests is extraordinarily burdensome and does not seek relevant  
7 information. These requests must be evaluated individually.

8 Interrogatory No. 14 requests information for every state in which Qwest or one of its  
9 affiliates operates concerning five different circumstances, only two of which involve  
10 interconnection (subparts c and d). Level 3 has not agreed to limit this request to the state of  
11 Arizona, to the commingling of traffic on interconnection trunks, or to interconnection with QC.  
12 The breadth and burdensomeness of this request is breathtaking. It requests information related  
13 to local (including intra-MTA wireless traffic), toll traffic (both inter- and intraLATA) or any  
14 combination that is carried on the same trunk group. It requests information for each state in  
15 which QC or an affiliate operates in. To top it off, it requests all of this information in five  
16 different categories, only two of which (c and d) relate to interconnection trunks. Thus,  
17 interrogatory No. 14 calls for information concerning every state in the country in which Qwest's  
18 CLEC affiliates have trunk groups (though, given the level of detail requested, in order to  
19 respond, Qwest would be required to obtain trunk group information down to the LCA level).  
20 There are literally thousands of LCAs in the United States.

21 This Interrogatory seeks information concerning trunk groups operated by Qwest's CLEC  
22 affiliates who are not even parties to this proceeding. Qwest's CLEC affiliates do not have  
23 interconnection obligations under Section 251(c). The burden imposed by Interrogatory No. 14  
24 clearly outweighs any possible relevance of the information it seeks.

25 Level 3 correctly notes in its motion that Qwest Corporation has an obligation to provide  
26 "nondiscriminatory access to interconnection." (Level 3 Motion at 13). Since interconnection

1 under the Act is handled on a state by state basis, Interrogatory No. 14 must be limited to the  
2 state of Arizona. Moreover, the nondiscrimination obligation applies only to interconnection  
3 trunks (subparts c and d of Interrogatory No. 14) and to interconnection involving Qwest  
4 Corporation, the ILEC. Qwest's affiliates do not have obligations under Section 251 of the Act  
5 and, thus, Interrogatory No. 14 is grossly overbroad to the extent that it requests information  
6 concerning the trunking arrangements of Qwest's affiliates.

7 In the August 3 conference, Qwest offered a compromise, which was to provide the  
8 information requested in subparts c and d for QC in Arizona. Qwest reiterates that compromise  
9 proposal. To the extent information beyond that is sought, Level 3's motion to compel a  
10 response to Interrogatory No. 14 should be denied.

11 Level 3's motion to compel a response to Interrogatory Nos. 15 and 17(a) should be  
12 denied for the same reasons that its motion to compel a response to Interrogatory No. 14 should  
13 be denied. Interrogatory No. 15 seeks information for each LCA in the country in which Qwest  
14 does not operate as an ILEC (36 states) and would require Qwest to determine each instance in  
15 which Qwest affiliates combine local and toll traffic on one trunk group. Like Interrogatory No.  
16 14, it calls for information involving thousands of LCAs and trunk groups operated by CLEC  
17 affiliates and is not in any way limited to interconnection trunks. It is baffling to say the least  
18 how this information (all related to affiliates operating outside Qwest's 14-state region) could  
19 possibly produce admissible evidence in this case. As was the case with Interrogatory No. 14,  
20 the burden imposed by Interrogatory No. 15 clearly outweighs any possible relevance of the  
21 information sought.

22 Interrogatory No. 17(a) is in several respects even broader and more burdensome than  
23 Interrogatory Nos. 14 and 15. It asks Qwest to list each CLEC for which local and toll traffic has  
24 been combined on any trunk group in any in-region state. It is not limited to the state of Arizona,  
25 to interconnection trunks or to Qwest Corporation's ILEC operations. This request is extremely  
26 overreaching in its scope and is clearly not reasonably calculated to lead to the discovery of

1 admissible evidence.

2 Interrogatory No. 19 requests information concerning specific CLECs in each of the  
3 fourteen Qwest in-region states. This interrogatory calls for information that is contained in the  
4 interconnection agreements for each CLEC in each state. These interconnection agreements are  
5 publicly available to Level 3 and can be reviewed more easily by Level 3 than by Qwest since  
6 Level 3 knows specifically what it is looking for. There are over 1000 interconnection  
7 agreements on file with the state public utility commissions. Accordingly, it is unreasonable for  
8 Level 3 to insist that Qwest assemble the information on Level 3's behalf. Level 3's motion to  
9 compel a response to this interrogatory should be denied.

10 Interrogatory No. 20 is extremely burdensome. It calls for information concerning  
11 Qwest's CLEC affiliate in every state in which it operates. It is not limited to interconnection  
12 trunks, but even if it were, it would call for a review by Qwest of every interconnection  
13 agreement Qwest's CLEC affiliate has entered into anywhere in the United States. Interrogatory  
14 No. 20 is clearly an unreasonable request especially since Qwest's CLEC affiliates are not  
15 parties to this proceeding and do not have obligations to interconnect under Section 251 of the  
16 Act.

17 Qwest objected to Interrogatory Nos. 21 on the grounds that it is overbroad. It is not  
18 limited to the state of Arizona. As noted in the August 3 conference, however, if Interrogatory  
19 No. 21 is limited to the state of Arizona, Qwest will withdraw its objection and provide an  
20 answer.

21 Qwest objected to Interrogatory no. 44 on the grounds that it is ambiguous. It is not clear  
22 in this interrogatory what Level 3 means by "assign traffic to different jurisdictional/rating  
23 categories" means. When PIU/PLU factors are used, they are applied to an overall volume of  
24 traffic and are not used to determine the rating or jurisdiction of individual calls. Furthermore,  
25 this interrogatory is objectionable because it would be unreasonably burdensome and would  
26 require a special study.



1           **F. Interrogatory No. 22 – Efficient Use of Trunk Groups**

2           Interrogatory No. 22 asks Qwest to provide information about state commissions that  
3 have required separate trunk groups for transit traffic. In Qwest's first set of interrogatories to  
4 Level 3, Qwest asked similar questions related to state commission decisions (but limited to  
5 Level 3 arbitration cases) on several issues in this docket. Among the objections made by Level  
6 3 was the claim that those questions would require "Level 3 to compile a list that does not  
7 currently exist or conduct a special study, and that the information is publicly available  
8 information that may as readily be compiled by Qwest as Level 3." Interrogatory No. 22 is far  
9 broader in scope than Qwest's interrogatories described above (e.g., it does not purport to be  
10 limited to only cases involving Qwest). As such, it is an attempt to require Qwest to do legal  
11 research for Level 3 and should be denied

12           **G. Interrogatory Nos. 24-27, 28(a), 29-33 – Qwest's FX and FX-Like Services**

13           Interrogatory Nos. 24, 25, and 33 ask questions related to Qwest's FX service in Arizona.  
14 Since Qwest has fully responded to each of them, it is unclear why they are included in Level 3's  
15 motion. Interrogatory Nos. 26-27, 28(a), and 29-32 seek information relating to what Level 3  
16 refers to as "FX-like" services. Qwest has already responded to Interrogatory No. 32, which asks  
17 about whether independent companies in Arizona provide FX or FX-like services. Qwest has  
18 already answered that question and its answer will not change with the clarification of the  
19 meaning of the term "FX-like."

20           As noted in Level 3's motion, Qwest agreed in the conference to respond to Interrogatory  
21 Nos. 26-27, 28(a), and 29-31 based on the definition of "FX-like service" used in interrogatories  
22 in a Level 3 complaint docket in Washington. Qwest is in the process of responding to them.  
23 They will be served on Level 3 as soon as possible.

24           **H. Interrogatory No. 43 and 45 – POIs and other facility connections in Arizona**

25           Interrogatory No. 43 requests Qwest to provide the number of POIs it has with CLECs in  
26 Arizona and Interrogatory No. 45 requests the number of CLECs interconnecting with Qwest

1 through (a) Qwest supplied entrance facilities, (b) CLEC supplied facilities and (c) other means.  
2 Neither Interrogatory No. 43 nor Interrogatory No. 45 seeks information that bears on the issues  
3 in this proceeding. They are very burdensome requests. To answer these requests would require  
4 Qwest to review the interconnection arrangements in place for each CLEC that has an  
5 interconnection agreement in Arizona and to conduct a special study of the facilities that are  
6 actually in place for each CLEC. There is no central repository of this information. Since these  
7 requests are burdensome and do not seek information that could lead to admissible evidence, the  
8 Commission should deny Level 3's motion to compel with respect to these requests.

9 **I. Request for Admission Nos. 56-59 – Provisions of Qwest's Federal and State**  
10 **Tariffs.**

11 Request for Admission No. 56 asks Qwest to "admit that Qwest's federal tariffs contain  
12 no terms applicable to intercarrier compensation for VoIP." Request for Admission No. 57  
13 asked the same question for Qwest's state tariffs. Request for Admission Nos. 58-59 are the  
14 same except that the phrase "information services traffic" is substituted for "VoIP." Qwest  
15 responded to all four, denying each of them. Qwest noted in its denials that it had not reviewed  
16 all of its tariffs to reach the conclusion that the requests should be denied. Somewhat  
17 surprisingly, Level 3 responded to this statement by asserting that "a party responding to requests  
18 for admission may not give lack of information or knowledge as a reason for its failure to admit  
19 or deny unless the party states that it has made reasonable inquiry and that the information  
20 known or readily obtainable by the party is insufficient to enable the party to admit or deny."  
21 (Level 3 Motion at 17). However, in this case, there is no "failure to admit or deny." Qwest  
22 denied these requests for admission. These requests have been responded to and therefore Level  
23 3's motion should be denied.

24 **J. Request for Admission Nos. 66, 82, 96, and 99**

25 In Request for Admission Nos. 66, 82, 96, and 99, Level 3 asks Qwest to admit or deny  
26 statements that are not sufficiently complete to admit or deny. Thus, Qwest has objected to these

1 requests and stated its reason for not being able to admit or deny each request. Each of these  
2 requests must be considered individually.

3       In Request for Admission No. 66, Level 3 asks Qwest to admit that the OneFlex VOIP  
4 offering is less expensive than the Choice Home Plus package. Qwest stated in its response that  
5 it is not clear which particular VOIP offering is being referred to in this request. Both the  
6 OneFlex VOIP offering and the Choice Home Plus package have a base rate, plus rates for other  
7 features and services, such as long distance. In Request for Admission No. 66, Level 3 did not  
8 describe with sufficient detail either the precise OneFlex VOIP package or the precise Choice  
9 Home Plus package that it wants Qwest to compare. Request for Admission No. 66 cannot be  
10 admitted or denied without this information.

11       Request for Admission No. 82 asks Qwest to admit that "Qwest's end offices and tandem  
12 switches do not store *any information* indicating the *address or location* of any end user's  
13 premises." (Emphasis added) Qwest acknowledges that its switches do not contain specific  
14 street addresses for individual customers, but that was not the question. The request asks Qwest  
15 to admit that its switches do not store "any information" that indicates "address or location" of an  
16 end user's premises. Qwest's switches do contain information indicating the general *location* of  
17 the end user;. The NPA/NXX's stored in the switches provide information as to the general  
18 geographic *location* where end users with those NPA/NXX's are located. Given the ambiguity  
19 of the request, perhaps Qwest should simply have denied it, but Qwest felt it should explain why  
20 it did not feel it could not admit or deny it. Qwest, therefore, reiterates its response that Request  
21 for Admission No. 82 cannot be admitted or denied because Level 3 has failed to define the level  
22 of specificity that the phrase "any information" refers to. However, if Level 3 insists on an  
23 admission or denial, then Qwest would deny the request on the basis that its switches do store  
24 information that indicates the "location" of a customer (i.e., the central office area in which the  
25 customer is located).

26       Request for Admission No. 96 asks to Qwest to admit "that where Qwest proposes to

1 rate ISP-bound traffic as toll traffic, Level 3 would pay Qwest \$0.016270 per MOU instead of  
2 paying Level 3 \$.0007 per MOU for terminating a call received at the Parties' POI." Qwest  
3 objected on the ground that the request is ambiguous and compound, a contention that Level 3  
4 denies without explanation. The fact that Level 3 had to completely recast the question as  
5 "whether Qwest would be a receiver of compensation should it prevail on its categorization of  
6 ISP VNXX traffic as opposed to paying Level 3" (which does not even resemble the original  
7 request) certainly indicates that the original request was ambiguous. If the question is whether  
8 Qwest would receive compensation if its advocacy on ISP VNXX prevails, that would, of  
9 course, depend on whether Level 3 would continue to provide its ISP customers with "free"  
10 access to LCAs beyond the LCA where the ISP is located. If Level 3 were to continue that  
11 practice, then Level 3 would be financially responsible to transport the traffic to its POI and  
12 Qwest would certainly receive more compensation than if Level 3's advocacy were to prevail  
13 (which would require Qwest to provide everything on its side of the POI free of any charge).

14 Request for Admission No. 99 used the ambiguous term "this service" without  
15 identifying the particular service. Level has now clarified that the term refers to the service  
16 identified in Request No. 98. Qwest will shortly be providing a response to Request for  
17 Admission No. 99.

18 **K. Request for Admission No. 88 – Qwest's Call Routing and Billing Systems**

19 Level 3 complains that Qwest's response to Request for Admission No. 88 is not  
20 responsive. However, given the fact that Qwest denied the request, under applicable discovery  
21 rules, Qwest has fully satisfied any obligation it may have to respond to this request.

22 **L. Request for Admission No. 100 – Impact of VoIP Services on Qwest Revenue**

23 Request No. 100 asked Qwest to admit its revenues may be adversely affected should  
24 "providers of VoIP services attract a sizable base of customers who use VoIP to bypass  
25 traditional local exchange carriers." In addition to objecting on the ground that this request is  
26 ambiguous and calls for speculation, Qwest also noted that it could not admit or deny it "because

1 there are far too many variables” to predict the result. Qwest, however, did acknowledge that the  
2 scenario in the request is one possible outcome. The request does not define what a “sizable  
3 base” is or who it is referring to when it refers to “traditional local exchange carriers” (though  
4 Qwest assumes it relates to companies like Qwest). This sort of “what if” type of discovery is  
5 inappropriate and unnecessary. The ultimate problem is that the entire request is simply an  
6 exercise in speculation. However, to the extent the intent of the request is to ask Qwest whether,  
7 if a significant number of Qwest customers discontinue Qwest’s service in favor of VoIP,  
8 Qwest’s revenues would go down (all other things being equal) that of course is true, but it does  
9 not require a request for admission to establish.

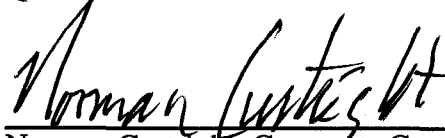
10 **CONCLUSION**

11 For the reasons above, Qwest Corporation requests that the Commission deny Level 3’s  
12 motion to compel discovery.

13 DATED this 12<sup>th</sup> day of August, 2005

14 Respectfully submitted,

15 QWEST CORPORATION

16 

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26